



Reply to
Attention of:

DEPARTMENT OF THE ARMY
PORTLAND DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

October 23, 2000

Operations Division
Regulatory Branch
Corps Nos.: 2000-00950, 2000-00984, 2000-00985

Mr. Robert Hrdlicka
Port of Portland
P.O. Box 3529
Portland, Oregon 97208

Dear Mr. Hrdlicka:

The U.S. Army Corps of Engineers (Corps) has received several applications from the Port of Portland (Port) within the last three weeks. We would like to take this opportunity to provide you with an update on the status of these applications and an indication of how we intend to evaluate them.

1) Corps No. 2000-00950; Terminal 6 Maintenance Dredging: A 20-day public notice was issued for this permit application on October 17 and will close on November 6, 2000. We will keep the Port informed of any comments received as part of this review process. The Corps has determined that the proposed maintenance dredging activity may affect, but is not likely to adversely affect listed threatened or endangered fish species that occur within the project area. Consultation under the Endangered Species Act (ESA) will be required with both the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) as part of the permit evaluation process.

2) Corps No. 2000-00984; Terminal 4, Wheeler Bay: Proposed activities within Wheeler Bay will occur at two sites. At Site 1, work involves the removal of five wood dolphins, 12 single piles, and a concrete ramp. We intend to process this activity by Letter of Permission (LOP), which involves a 15-day review by State and Federal resource agencies as well as adjoining property owners. Work at Site 2 involves the repair of an existing outfall, which may qualify for authorization under Nationwide Permit 3 (Maintenance). The Corps, however, has determined that the proposed activities within Wheeler Bay may affect but are not likely to adversely affect listed threatened or endangered fish species. Consultation under the ESA will be required as part of the permit evaluation process.

3) Corps No. 2000-00985; Terminal 2, Berth 206 Finger Pier: Activities at Terminal 2 involve the dismantling of a timber dock and the removal of approximately 250 piles. We intend to process this activity by LOP. The Corps has determined that the work proposed for Terminal 2 may affect but is not likely to adversely affect listed threatened or endangered fish species. Consultation under the ESA will be required as part of the permit evaluation process.

USEPA SF



1286315

POR SF
11.3.31.5.1 John Childs

10/24
SEB -
FYI & return
TO ME.
Thanks
Bob H

Copies to:

Jeff Ray
Tim V. Womer
Rick M. Shyer
Bob Marlin
Permit File (Marlin)

ESD
Permit
file

The endangered species consultation for the above projects will be processed as one packet with NMFS and USFWS. This method has been discussed and agreed to by members of your staff. We anticipate initiating consultation within the next two weeks. The LOP process for the Wheeler Bay and Terminal 2 activities should begin within the next week. We will keep the Port updated on these actions.

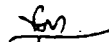
We also understand that the Port intends to perform maintenance dredging at Terminal 5 (T-5) under Department of the Army permit 071-OYA-1-008760. The authorization for maintenance dredging under this permit expires February 1, 2001. Because this permit was issued in 1991, prior to the listing of any Columbia or Willamette River fish species, it is unlikely that ESA consultation has ever been completed for this activity. We are in the process of pulling the file for this permit from our records holding warehouse to confirm whether or not ESA requirements have been satisfied. If the answer is no, dredging at T-5 could not begin until the Corps has had the opportunity to complete this process. It would be our intent to include the T-5 maintenance dredging activity with the batch of projects listed above.

A permit for disposal of material dredged from T-5, and other Willamette River facilities, was authorized most recently by Department of the Army permit 1995-00783. This permit authorizes in-water disposal at Morgan Bar, but will expire November 30, 2000, prior to the Port's scheduled T-5 dredging activity. Because the Port is proposing to dispose of T-5 material upland at the Suttle Road rehandle facility, we believe that the return flows from this site may be authorized by Nationwide Permit 16. This nationwide permit will require water quality certification from the Oregon Department of Environmental Quality.

If you have any questions, please contact Ms. Judy Linton at the above address or telephone (503) 808-4382.

Sincerely,




Lawrence C. Evans
Chief, Regulatory Branch

Copies Furnished:

Oregon Department of Environmental Quality (Melville)
Oregon Division of State Lands (Warner)
Port of Portland (Van Wormer)
Port of Portland (Quinn)